

ENFORCEMENT MILESTONE FORM

** provide information as applicable and submit to *Carl Stimson* **

(Revised Feb.16 , 2000)

*****PLEASE ENTER DATA IN EACH BLOCK OR MARK N/A *****

CASE ATTORNEY: M. McAuliffe

PHONE: x6-6237

BRANCH: ORC MMB2

PROGRAM CONTACT: E. Hardin

PHONE: x6-2402

CASE NAME: United States of America v. Metropolitan Council

CASE NAME ON APPEAL:

ORC DOCKET MATTER NO:

EPA Regional Hearing Clerk No.:

EPA EAB Clerk No.:

District Court Docket No.: 99-1105 (DWF/AJB)

CASE SUMMARY: Beginning in 1995, Metropolitan Council violated the SIP and NSPS requirements applicable to its St. Paul sewage sludge incinerators.

FACILITY NAME: Metropolitan Council

ADDRESS: 2400 Childs Road, St. Paul, MN

ZIP CODE: 55106

PRIMARY NAICS / SIC CODE: 4951

SECTOR: Sewerage systems

DEFENDANTS OR RESPONDENTS (if other than case name):

NAMED IN COMPLAINT? Metropolitan Council

LAW/SECTION (statute and section which authorize action – not CFR): CAA 113

LAW/SECTION (statute and section violated or which provided requirement to be enforced – not CFR): CAA 110 and 111

POLLUTANT: particulate matter

MULTI-MEDIA ACTION? NO

If yes, reason: ☐ M-M Inspection

☐ M_M
COMPLAINT

☐ M-M
Settlement

☐ SEP in Other Media

COMMUNITY/GEOGRAPHICALLY BASED INITIATIVE? No

If yes, describe:

ENVIRONMENTAL JUSTICE: No

If yes: ☐ Minority Population ☐ Low Income ☐ Both ☐ Other

Is this a Self Disclosure? NO

If yes,

What is the disclosure date:

Was the Audit Policy Applied? ☐ YES ☐ NO

Comments:

Decision: ☐ 100% Mitigation through Audit

☐ 100% Mitigation through Compliance Management System

☐ 75% Gravity Mitigation

☐ 0% Gravity Mitigation

Was the Small Business Policy applied? ☐ YES ☐ NO

☐ ADMINISTRATIVE COMPLIANCE ORDER

Date of Issuance: None

Date Respondent Met All Order Requirements / Case Closed:

Brief Description of Basis for Closing Case:

☐ **ADMINISTRATIVE ORDER FOR PENALTIES ONLY**

Proposed Penalty:

Assessed Penalty:

Need Dates:

Complaint or Proposed Order Issued:

Withdrawn/Dismissed:

ALJ Decision:

CACA/Final Order:

Appealed to EAB:

EAB Decision:

Penalty Paid in Full / Case closed:

☐ **ADMINISTRATIVE ORDER FOR PENALTIES AND SEP OR INJUNCTIVE RELIEF**

Proposed Penalty:

Assessed Penalty:

Need Dates:

Compliant or Proposed Order Issued:

ALJ Decision:

CACO/Final Order:

Appealed to EAB:

EAB Decision:

Penalty Paid in Full:

Respondent Met All Order Requirements / Case Closed:

Brief Description of Basis for Closing Case:

****Please make sure that copies of any ALJ or EAB orders awarding a penalty are provided to the program office and to the Comptroller Branch, RMD.*

JUDICIAL CASE

Judge: Frank

Assessed Penalty Amount: \$250,000

Need Dates

Complaint Filed: 7/20/1999

Withdrawn/Returned to Region:

Settlement Lodged: 8/11/2000

Consent Decree/Order Entered: 2/16/2001

Re-referral:

Referral of Pre-referral Case:

Penalty Paid in Full: 4/12/2001

Defendant Met All Order Requirements / Case Closed: 11/14/2005

Brief Description of Basis for Closing case: Metropolitan Council completed all injunctive relief requirements, including installation of the fluidized bed incinerators, and completed SEP, as amended.

****Please make sure that copies of any entered, modified, or amended decrees or court orders are provided to the program office and to the Comptroller Branch, RMD.*

Instructions/comments for data analyst...or additional relevant information:

November 22, 2005

According to Cindy Locan, paralegal in the FLU in Minnesota, 612-664-5637, Metropolitan Council made a payment of \$250,000 on March 6, 2001, and then made a second payment of \$26,183 on April 12, 2001 (for interest due under the terms of the consent decree).



Certified Mail

Return Receipt Requested 7004 2510 0000 1903 8194

June 9, 2005

Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice P.O. Box 7611
Ben Franklin Station
Washington D.C. 20044

And

7004 2510 0000 1903 8200

Chief
Air Enforcement & Compliance Assurance Branch
Air and Radiation Division, AE-17J
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

RE: United States v. Metropolitan Council
Civil Action No. 99-CV-1105
Certification of Compliance with Consent Decree Requirements

To Whom It Concerns:

A Consent Decree in the referenced matter between the Metropolitan Council and the United States was entered by the United States District Court for the District of Minnesota on March 16, 2001. In accordance with Part XIX of the consent decree the Metropolitan Council is to certify in writing to the United States when it determines it has complied with all requirements of the Consent Decree, including its attachments.

Accordingly, on behalf of the Metropolitan Council, I certify pursuant to Section XIX (Effective and Termination Dates) of the Consent Decree that [Metropolitan Council] has completed all the requirements set forth in the Consent Decree including the requirements in Section VII (Supplemental Environmental Project).

Should you have any questions, please contact William G. Moore, General Manager at 651/602-1162.

Sincerely,

Thomas H. Weaver
Regional Administrator

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Civil No. 99-1105 (DWF/AJB)

Plaintiff,

v.

ORDER

Metropolitan Council,

Defendant.

Thomas B. Heffelfinger, United States Attorney, and Friedrich A. P. Siekert, Assistant United States Attorney, United States Attorney's Office; James A. Lofton, Esq., United States Department of Justice; and Mary T. McAuliffe, Esq., United States Environmental Protection Agency, counsel for Plaintiff.

Daniel P. Rogan, Assistant Hennepin County Attorney, Hennepin County Attorney's Office; Jay R. Lindgren, Esq., and Robert E. Cattnach, Esq., Dorsey & Whitney; Mark D. Thompson, Esq., Metropolitan Council, counsel for Defendant.

This matter came before the undersigned federal District Court on Defendant's Petition for Termination of Consent Decree in the above-captioned matter. Having reviewed the petition and after conducting appropriate inquiry, this Court **GRANTS** Defendant's petition.

This Court therefore orders that the Consent Decree be terminated effective immediately. Termination of the Consent Decree does not terminate the Metropolitan Council's obligation to preserve all records in accordance with the Record Retention provisions contained in Section XIV of the Consent Decree.

Dated: November 14, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court